PROCEEDINGS OF THE COMMON COUNCIL
IN REGULAR SESSION
TUESDAY, JULY 12 , 19 94

CITY OF FORT WAYNE, INDIANA
JOURNAL OF THE PROCEEDINGS
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE COUNCIL CHAMBERS Tuesday EVENING July 12 , 1994, IN Regular SESSION. PRESIDENT David C. Long IN THE CHAIR, COUNCIL ATTORNEY Stanley A. Levine , AND Sandra E. Kennedy CITY CLERK, AT THE DESK, PRESENT THE FOLLOWING MEMBERS VIZ:

BRADBURY ✓ ,	EDMONDS A ,	GiaQUINTA ✓ ,
HENRY A ,	LONG ✓ ,	LUNSEY A ,
RAVINE ✓ ,	SCHMIDT ✓ ,	TALARICO A ,

ABSENT: 4

COUNCILMEMBER: Edmonds , Henry ,
Lunsey , Talarico ,

THE MINUTES OF THE LAST REGULAR June 28 , 19 94,

, 19 ,

SPECIAL , 19 ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED AND PUBLISHED.

THE COUNCIL THEN ADJOURNED

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of Fort Wayne, Indiana, and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings the Common Council of the City of Fort Wayne, Indiana, for its Regular Session, held on 12th day of July, 19 94, that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 13th day of July, 19 94.

Sandra E. Kennedy

City Clerk

The City of Fort Wayne

Paul Helmke, Mayor

June 28, 1994

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the amendment of the Zoning Ordinance (General Ordinance No. G-04-93, amending Chapter 157 of the Municipal Code of the City of Fort Wayne, Indiana, 1946.) The proposed ordinance is designated as:

Bill No. Z-94-06-09

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
28th day of June 1994.

Council action on this recommendation must take place prior to: September 26, 1994.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

CC: File

BICENTENNIAL FORT WAYNE 1794 — 1994

GCIU 552M

FACT SHEET

BILL NUMBER

Division of Community Development & Planning

BRIEF TITLE: Zoning Map Amendment From Rb & B1B to M-1

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

821 W Coliseum Bl

Reason for Project

Expansion of existing business.

Discussion (Including relationship to other Council actions)

20 June 1994 - Public Hearing

(See Attached Minutes of Meeting)

27 June 1994 - Business Meeting

Motion was made and seconded to perfect the request to a B-3-B.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote. Motion to perfect to a B3B, at the request of the petitioner, was approved.

Motion was made and seconded to return the ordinance to the Common Council with a DO NOT PASS recommendation.

Of the seven (7) members present, six (6) voted in favor of the motion, the Chair did not vote. Motion carried.

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Steve Jackson, President, Carpet Discount City Department Other
Opponents	Groups or Individuals Betty Mullins, Pres of North Franke Park Assn Basis of Opposition -approval could lead to a negative impact on property values
Staff Recommendation	☐ For ☒ Against Reason Against -approval could lead to a negative impact on property values
Board or Commission Recommendation	By ☐ For ☒ Against ☐ No Action Taken ☐ For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	☐ Pass ☐ Other ☐ Pass (as amended) ☐ Hold ☐ Council Sub. ☐ Do not pass

DETAILS

Members Present: Ernest Evans, James Hoch, Charles Layton, Thomas Quirk, Dave Ross, Carol Kettler Sharp, Mel Smith

Members Absent: Mark GiaQuinta, Vicky VerPlanck

POLI[illegible] PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 18 May 1994

Projected Completion or Occupancy Date 28 June 1994

Fact Sheet Prepared by Date 28 June 1994

Patricia Biancaniello

Reviewed by Date 29 June 1994

Reference or Case Number

a. Bill No. Z-94-06-09 - Change of Zone #565
From RB & B1B to M-1
821 W Coliseum Bl

Steve Jackson, President of Carpet Discount, located at 821 W Coliseum Bl., appeared before the Commission. Mr. Jackson stated that he would like to request that there request be changed from M-1 - Light Industrial to B-3-B - General Business.

David Wright stated that the Commission could act on the request to perfect the rezoning to a B-3-B that evening or they could hear the testimony and decide on perfecting the zoning to B-3-B at the Business Meeting on June 27, 1994. After discussion it was decided that they would hear testimony and decide on the perfection of the request at the Business Meeting on June 27, 1994 as well as vote on the petition.

Mr. Jackson stated that the reason for their request was in order to expand their business. He stated that they want to build on to the building to the south and to do that, the adjacent property, which is currently zoned residential, would have to be utilized for a driveway behind the existing store.

Mel Smith asked if they had any information on how the new addition would affect the property.

Mr. Jackson presented the Commission with a site drawing of the proposed addition.

Mr. Jackson stated that carpet delivery to their facility is made to the front double doors of their store. He stated that this is a problem because many semi-trucks are 45 foot long and they have a difficult time making deliveries. He stated that they must pull out across Coliseum Blvd., in order to back in squarely with the double doors. He stated that this is a very hazardous situation. He stated that the delivery people have also damaged their building in doing this. He stated that last year it cost him $14,000 to have the front of the door and the roof repaired where a truck had damaged the building. He stated that they propose to bring the truck traffic around to the west side of the building. He stated it would take the truck traffic away from the front of the business. He stated that in speaking with Wayne O'Brien, Planner II with C&ED, Mr. O'Brien questioned if there would be enough room to negotiate the turn around the proposed 45 X 70 storage building. He stated that he told Mr. O'Brien that he would take that space and move it to the center core of the building. He stated that the 45 x 70 is the maximum size that he needs to build. He stated that he would downscale this structure by 50% if that is what it takes to get the zoning change. He stated that behind the building it is all stone and he plans to pave the area and then he will enclose the entire south property line with a cedar privacy fence. He stated that this was something that he had discussed with Betty Mullins, the President of the neighborhood association, whom he had met with that day for approximately 2 hours to discuss the

rezoning. He stated that across the building lot to the west, to stop traffic from cutting through from Sherman to Coliseum, they plan to put a split rail cedar fence and landscape it accordingly. He stated that since they have purchased the property they have improved the property tremendously. He stated that they have completely remodeled the house that is on the lot in question. He stated that they need this to continue their growth.

Dave Ross questioned what the property to the south was being used for.

Mr. O'Brien stated that it is zoned RB and for the most part it is single family residential, until you get much closer to Franke Park, where there are some duplexes mixed in.

Dave Ross questioned if there was any screening between the M-1 zoning in the area and the residential.

Mr. Jackson stated that there is some chain link fence around some of the M-1 to the south.

Betty Mullins, President of the North Franke Park Association, appeared before the Commission. Ms. Mullins stated that North Franke Park Neighborhood Association lies to the south of this property, between Franke Park and Coliseum Blvd., and is a residential area. She stated that North Franke Park Association is one of the most award winning association's in the city of Fort Wayne. She stated that they work hard to keep their neighborhood residential. She stated that Coliseum Blvd., is commercial, but the area in question, 4314 Sherman Blvd., is residential. In rezoning this property they feel that their property values would be seriously jeopardized and the quality of life in North Frank Park lessened. She stated that she did have a long talk with Mr. Jackson that day. She felt that he was sincere about wanting to improve and maintain his property. She stated however if the carpet store is not their in the future the new tenant may not be as concerned about the neighborhood. She stated that the Lassus Station maintains their property. She stated that Lassus also has bought a property behind their service station, which leaves a lot and a half for buffer between the station and the residential district. She stated that the house directly south of the home that Mr. Jackson now owns has been offered to Mr. Jackson to purchase in the future. She stated that she is concerned that this will only add in the commercial creeping up Sherman Blvd., into the residential area.

Mel Smith questioned, if at the meeting with Mr. Jackson, was she aware that Mr. Jackson was willing to put in fencing and buffering.

Ms. Mullins stated that she was aware of that fact and that Mr. Jackson stated that she was given the opportunity to pick out the type of fencing. She stated that she felt that Mr. Jackson was sincere about maintaining the property and screening the property, but it worries her that the commercial zoning is coming further

into the residential area.

Gary Bredemeyer, 4117 Sherman Blvd., appeared before the Commission. Mr. Bredemeyer stated that he was opposed to the rezoning.

Rick Reising, 4114 Sherman Blvd., appeared before the Commission. Mr. Reising stated he felt that Mr. Jackson was sincere about his intentions to maintain the property. He stated that he drives by Mr. Jackson's business 2 or 3 times a day. He stated that the dumpster on the property is cleaned about once a week. He stated that if the man can not take care of his own garbage how is he going to maintain the rest of the lot, not to mention keep up with the standards of the association. He stated that Sherman Blvd., is a residential street. He stated that Sherman Blvd., has not been built to withstand the semis that Mr. Jackson's business will bring up and down the street. He stated that Louisedale Drive has been destroyed from the trucks coming from the Pepsi Bottling Company. John Parkhurst, 1020 Loch Lomond Drive, appeared before the Commission. Mr. Parkhurst stated that he felt the Franke Park Zoo would be penalized by allowing business down Sherman Blvd. He stated that the first thing that impressed him was the residential entrance, (for the zoo) and with the exception for the two businesses on and Coliseum Blvd., and Sherman Blvd there are no other commercial cuts in this area. He stated that is why they chose to move into this area in 1978. He stated that he has heard many people comment on the Zoo & parks in Fort Wayne with regard to how nice they are. He felt if you allowed more commercial entrances along Sherman it would prohibit people from using Sherman to access the park. He felt that soon people from out of town will not want to come down that way to the zoo. He stated that he was definitely against anymore business inching down Sherman Blvd. He stated that he felt Mr. Jackson could move his business if the present property is not large enough. He stated that there are many vacant areas that would accommodate his use.

Tony Romano, 3935 Sherman Blvd., appeared before the Commission. Mr. Romano stated that he was concerned with the truck traffic that would be generated on Sherman Blvd. He stated that if you try to back a 50 foot trailer into that truck dock, it would have to stop traffic on Sherman Blvd., to back into the dock.

Ms. Bryant, 1420 Louisedale Drive appeared before the Commission. Ms. Bryant stated that she has been very impressed with the neighborhood and the way the area is kept. She stated that there are other areas in the city that are empty that would accommodate this use. She stated that she would think they could build onto the side of the building instead of the back, and not have to encroach into the residential area.

In rebuttal, Mr. Jackson stated that with regard to more space on the existing property, he did not have anymore available space to expand without rezoning. He stated that with regard to increased traffic on Sherman Blvd., they are planning to put a split rail

fence up on the Sherman Blvd., side of the property, which would prohibit any access to the property from Sherman Blvd. He stated that the traffic would come from Coliseum Blvd., and go around the west side of the building to the rear of the building. He stated that the loading ramp would be facing east. He stated that they would not be able to back onto Sherman Blvd.

Jim Hoch stated that on the plan that was given to them by Mr. Jackson they show a curb cut from Sherman Blvd.

Mr. Jackson stated that the plan was drawn in 1992 and the architect at that time assumed there was a cut on Sherman Blvd., but there is not.

Mr. Jackson stated that he needs the zoning change on the property where the house sits, because the driveway and parking will overflow onto this property. He stated there will be no building constructed on the property requested to be rezoned. The new building will be on the existing commercially zoned property. He stated that there is a building that sets on the property line to the east of him, which prohibits him from building in that direction, to the west is Sherman Blvd. He stated that if he purchased the house next to the existing home he owns to the south, it would remain residential. He stated that he has no need to expand further. Mr. Jackson stated that the dumpster in the back is emptied three times a week. He stated that they have times when their waste is too much for the dumpster to hold. He states that once a week that police the grounds for any paper or waste that is blowing around. He stated that they keep the property mowed and well groomed.

Mel Smith questioned how many times a week do they receive shipments from semis.

Mr. Jackson stated that they have a semi deliver on Monday, Wednesday and Friday.

Carol Kettler Sharp questioned what the purpose in buying the house to the south of the house that he already owns would be.

Mr. Jackson stated that he was thinking that he would use it for his own residence.

Ernest Evans questioned why they were asking for a B3B zoning, since the present property is currently zoned B1B.

Mr. Jackson stated that he has a potential tenant for a vacant space. He stated that Chrysler Corporation wants to use the space for a car rental business. He stated that he was informed by Mr. O'Brien that they could use the space for office use, but could not store any vehicles on the property. He stated that to accommodate that use it is necessary to go to a B3B zoning.

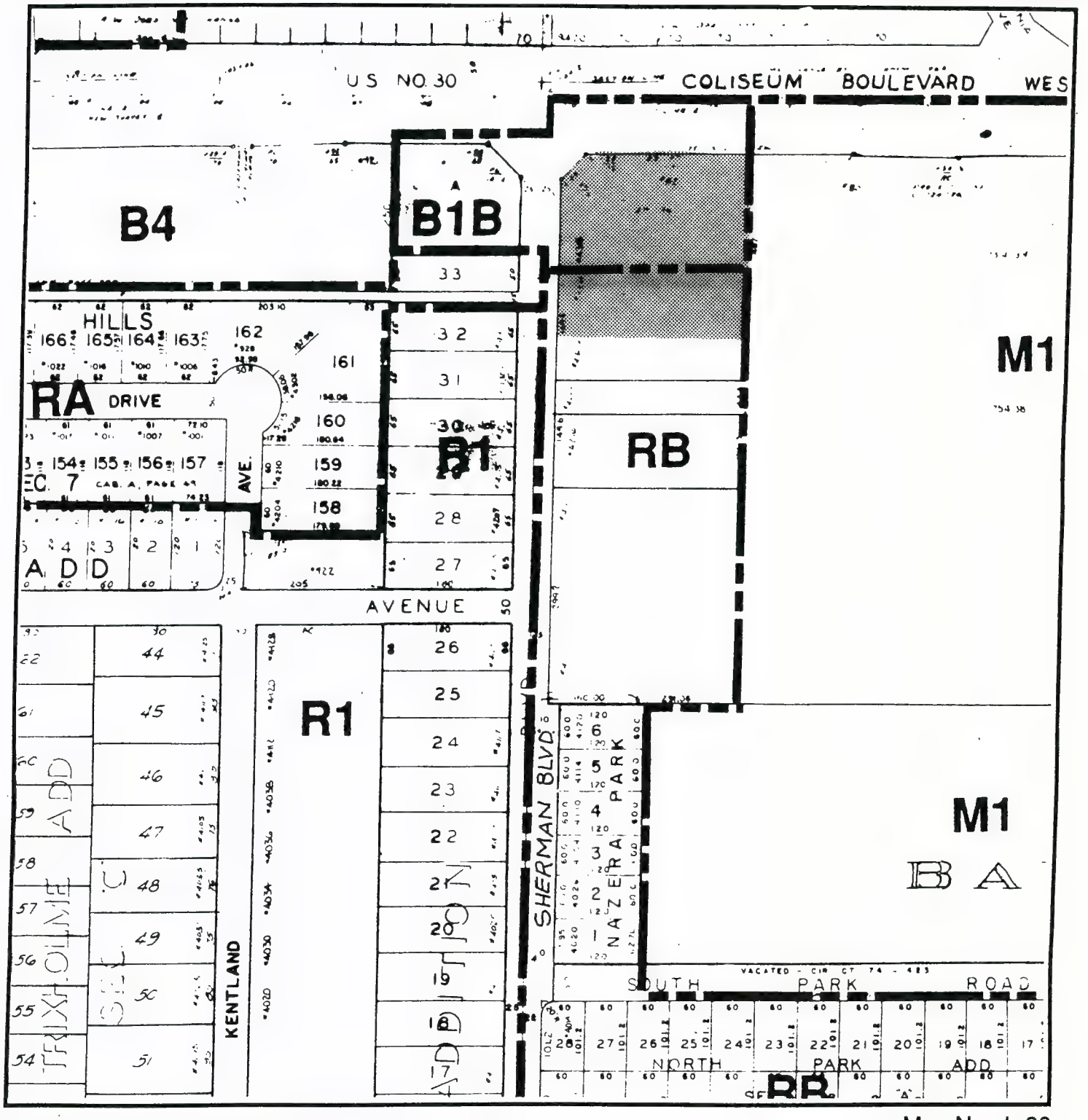
There was no one else present who spoke in favor of or in

opposition to the proposed rezoning.

REZONING PETITTION

AREA MAP

CASE NO. #565



COUNCILMANIC DISTRICT NO. 3

Map No. L-26
LW 5-22-94

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana on June 14, 1994 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated as Bill No. Z-94-06-09; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on June 20, 1994.

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO NOT PASS recommendation based on the following "Findings of Fact".

(1) the grant will be injurious to the public health, safety, morals and general welfare of the community;

(2) the use or value of the area adjacent to the property included in the rezoning will be affected in a substantially adverse manner;

(3) the need for the rezoning does not arise from conditions peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;

(4) the strict application of the terms of the zoning ordinance will not constitute an unusual an unnecessary hardship to this property;

(5) the grant interferes substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held June 27, 1994.

Certified and signed this
28th day of June 1994.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

Robert L. Wannemacher, Steve A. Jackson, and Gilbert and Sylvia Belcher request a change of zone from B-1-B and RB to M-1.

Location: 821 West Coliseum Blvd. and 4314 Sherman Blvd. (Southeast corner of Sherman and Coliseum Blvd.)

Legal: See file

Land Area: Approximately 2.2 acres

Zoning: B-1-B and RB

Surroundings:

North	B-4	Commercial & Residential
South	RB	Residential
East	M-1	Commercial & Industrial
West	B1B/R-1	Commercial & Residential

Reason for Request: Not stated on petition.

Neighborhood Assoc.: North Franke Park

Comprehensive Plan: The general land use policies of the comprehensive plan states that development proposals should be compatible with existing and planned land uses and should not establish an undesirable precedent in the area to be developed.

This property is located within the Middle Ring. The goal of the Middle Ring is to maintain investments and prevent deterioration in existing neighborhoods.

Neighborhood Plan: No comment.

Landscape: The potential uses under M-1 zoning could have a seriously negative impact on the existing adjacent homes on the R-1 and RB parcels to the south and west. This creeping commercialization of residential areas has had a history of negative impact in this community unless the residential areas are buffered from the commercial uses. As the applicant has proposed no form of buffer, and as this zoning category requires very little in the way of site improvement or landscape buffering, approval of this petition as submitted is likely to lead to degradation of nearby residential environments.

Planning Staff Discussion:

The Coliseum Blvd. frontage has been developed as multi-tenant retail uses under the existing B-1-B (limited business) designation. The second parcel is immediately behind this site, and is currently used as a rental residence.

The opposite corner (SW) has a gas station on the corner, with an empty lot located between the station and the residences to the south. Sherman Blvd. is entirely residential south of the petitioned properties.

Coliseum Blvd. has a very intense commercial classification, mixed with some light industrial designations. For the most part the uses that are operating along the south side of Coliseum Blvd. are less intense than the land classifications would allow.

There is M-1 designated property located to the east, along the Coliseum Blvd. and Wells Street frontages. The M-1 is fairly extensive and abuts the residential properties along Sherman Street and Louisdale Drive.

While no one would argue the need to maintain commercial uses along the Coliseum frontage, there is a major concern with protection of property values to the south. The south side of the intersection has been designated with a less intense commercial classification, in an attempt to ease the blending of land uses.

The requested M-1 designation is a "light industrial" classification that allows a number of uses that would not be considered compatible with residential development. Sherman Blvd. is a "collector" street that carries high volumes of traffic. The design and use of this street may be negatively impacted by the potential of industrial-type traffic.

Staff believes that the requested zoning is not in character with the existing uses and structures along the Sherman Boulevard frontage, and that approval would lead to a degradation of the area south of Coliseum Boulevard. This would in turn lead to a loss of residential values and quality of life issues.

Recommendation: Do Not Pass for the following reasons:

1) Approval could lead to a negative impact on property values in the immediately area.

2) Approval would not be consistent with the condition and character of structures and uses along Sherman Boulevard.

The City of Fort Wayne

Paul Helmke, Mayor

June 13, 1994

COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the
City of Fort Wayne
City-County Building
One Main Street
Fort Wayne, IN 46802

Dear Councilmembers:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of public right-of-way.

The proposed ordinance is designated as:

Bill No. G-94-04-08

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this
13th day of June 1994.

Carol Kettler Sharp

Carol Kettler Sharp
Secretary

/pb

CC: File

BICENTENNIAL FORT WAYNE 1794 — 1994

GCIU 552M

Division of Community Development & Planning

FACT SHEET

BILL NUMBER

BRIEF TITLE: Right-Of-Way Vacation

APPROVAL DEADLINE:

REASON:

DETAILS

Specific Location and/or Address

Portions of Clinton Ct; Darrow Av; and an N/S alley running south off of Packard St.

Reason for Project

Renovation of South Side High School.

Discussion (Including relationship to other Council actions)

18 April 1994 - Public Hearing

Otto Bonahoom, attorney for the petitioners, Fort Wayne Community Schools, appeared before the Commission. Mr. Bonahoom stated that this petition for the right-of-way vacations are all a part of the South Side High School Renovation. He stated that the staff recommendation indicates that the only people who need easements are GTE. He stated that they have spoken with GTE and will grant the easement as soon as they determine where it should be located. He stated that he was unaware of anyone who objects to the vacation. He stated that Fort Wayne Community Schools owns all of the adjacent property. He stated that the maintenance of the streets and alley are not advantageous or necessary to the growth of the city of Fort Wayne. He stated that the renovation, however, will be very advantageous to the city.

Dave Ross questioned if Mr. Bonahoom had received the comments from all of the engineering departments.

POSITIONS / RECOMMENDATIONS

POSITIONS	RECOMMENDATIONS
Sponsor	City Plan Commission
Area Affected	City Wide Other Areas
Applicants/ Proponents	Applicant(s) Fort Wayne Community Schools City Department Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	[X] For [ ] Against Reason Against
Board or Commission Recommendation	By [X] For [ ] Against [ ] No Action Taken [ ] For with revisions to conditions (See Details column for conditions)
CITY COUNCIL ACTIONS (For Council use only)	[ ] Pass [ ] Other [ ] Pass (as amended) [ ] Hold [ ] Council Sub. [ ] Do not pass

ETAILS

Mr. Bonahoom stated that everyone has reviewed it and to his knowledge everyone has approved the vacation. He stated GTE has no problem with the vacation as long as they are granted an easement.

There was no one else who spoke in favor of or in opposition to the proposed vacation.

25 April 1994 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation, contingent upon the petitioners providing utility easements or relocations as needed.

Of the six (6) members present, five (5) voted for the motion, the Chair did not vote.

Motion carried.

Members Present: Ernest Evans, James Hoch, Thomas Quirk, Dave Ross, Mel Smith, Vicky VerPlanck

Members Absent: Mark GiaQuinta, Charles Layton, Carol Ketter Sharp

POLICY/PROGRAM IMPACT

Policy or Program Change	☐ No ☐ Yes
Operational Impact Assessment	

(This space for further discussion)

Project Start Date 17 March 1994

Projected Completion or Occupancy Date 13 June 1994

Fact Sheet Prepared by Date 13 June 1994

Patricia Biancaniello

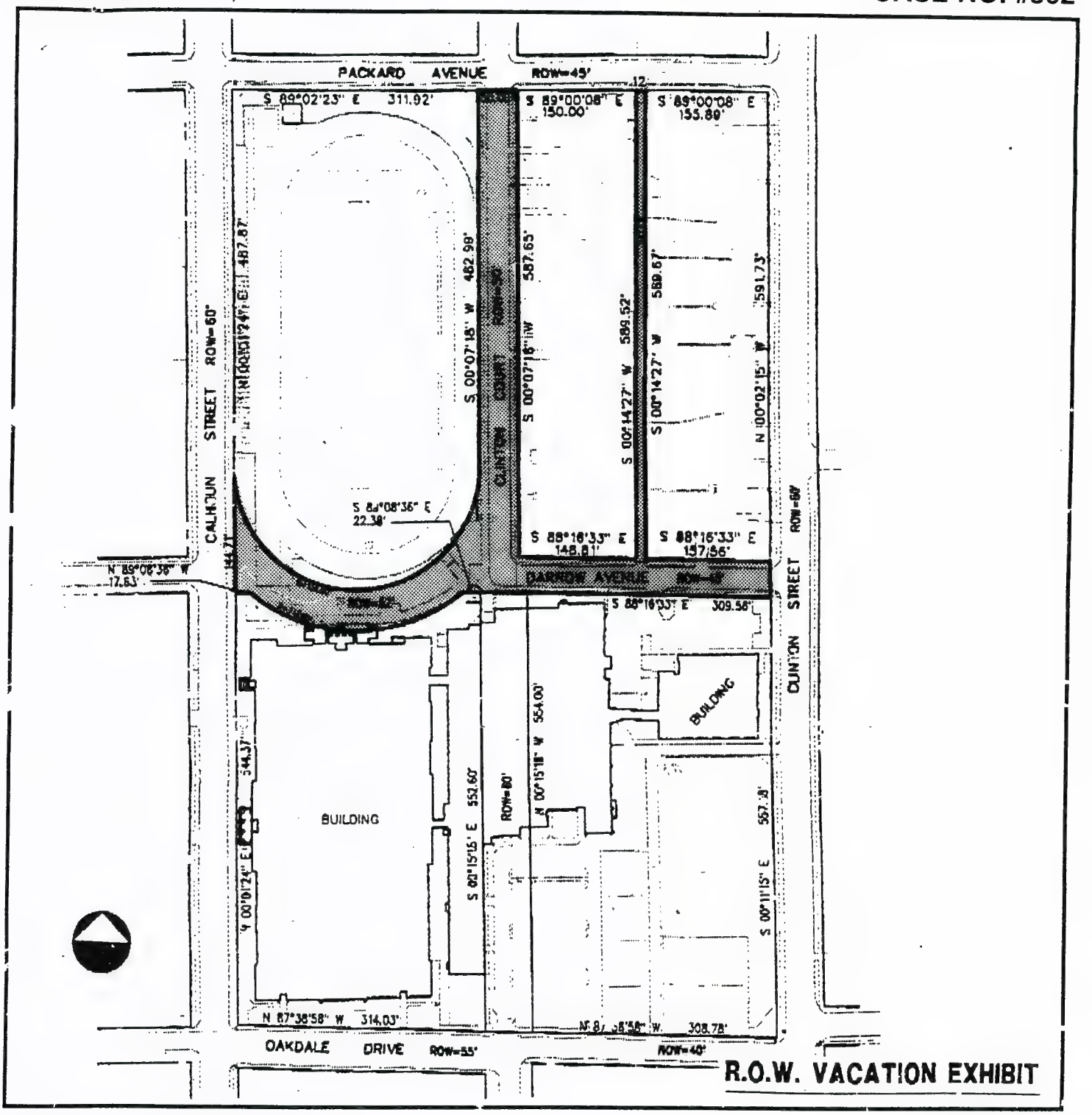
Reviewed by Date 16 June 1994

Reference or Case Number

VACATION PETITION

AREA MAP

CASE NO. #562



COUNCILMANIC DISTRICT NO. 1

Map No. M-7
LW 3-24-94

R1	One-Family	**B1**	Limited Business	**M1**	Light Industrial
R2	Two-Family	**B2**	Planned Shopping Center	**M2**	General Industrial
R3	Multi-Family	**B3**	General Business	**M3**	Heavy Industrial
RA/RB	Residential	**B4**	Roadside Business	**MHP**	Mobile Home Park
PUD	Planned Unit Dev.	**POD**	Professional Office District		

Otto Bonahoom, attorney for Fort Wayne Community Schools, requests the vacation of portions of Darrow Avenue, Clinton Court and portions of an alley.

Location: 1) Clinton Court from Packard Avenue south to Darrow Avenue.

2) Darrow Avenue from Calhoun Street to Clinton Street.

3) The first north-south alley west of Clinton Street from Packard Avenue to Darrow Avenue.

Legal: See the file.

Land Area: Approximately 1.7 acres total

Zoning: Residential

Surroundings:

North	B-3-B & R-1	Mixed
South	R-2	School
East	R-2	Residential
West	B-3-B	Commercial

Reason for Request: General renovation of South Side High School

Neighborhood Assoc.: Williams Park Neighborhood Association

Neighborhood Plan: No comment.

Comprehensive Plan: No comment.

Landscape: No comment.

Planning Staff Discussion:

The petitioners state that they are the only owners of property on either side of the street or alley. They also state that no person or firm is interested in or affected by the requested vacation, because those interested have entered agreements with Fort Wayne Community Schools.

The area has apparently undergone many changes since these right-of-ways were originally developed. Housing stock in the area has either been removed, or converted to non-residential uses. Population densities have also shifted, affecting the student population, and altering traffic movement patterns.

The portion of Darrow Avenue between Clinton Court and Calhoun Street has been used by the school for many years. Clinton Court

and the alley immediately east will be closed to expedite the renovation of the South Side High School campus.

Approval of this request will have little on no impact on anyone's access to public ways or places. Residents to the north will still access Calhoun or Clinton Streets via Packard Avenue. There should be no effect on southbound traffic on Clinton Street, or the two-way traffic on Calhoun Street.

Staff did notice the present of utilities in the area to be vacated. Any utility present at the time that the vacation procedure is initiated will not be deprived of the use of same under the provisions of state law.

Recommendation: Conditional Approval, contingent upon the petitioners providing utility easements or relocations as needed, and for the following reasons:

1) Approval will not impede anyone's access to public ways or places.

2) Maintenance of these public right-of-ways is no longer necessary to the growth of the city.

3) Conditions in the area have changed, negating the original intent of the right-of-ways.

4) Approval would allow the proposed renovation of the high school campus.

RESOLUTION 81-88-14

WHEREAS, FORT WAYNE COMMUNITY SCHOOLS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated rights-of-way situated in Fort Wayne, Allen County, to-wit:

Right of Way Vacation for Portions of Clinton Court, Darrow Avenue and the existing alley.

Part of Dreibelbliss First Addition to the City of Fort Wayne as recorded in plat book 1 page 83, Lennons Addition as recorded in plat book 9 page 3 and Lennons Addition as Surveyed plat book 10 page 76, and South Calhoun Street Addition as recorded in deed record 63 page 120, more particularly described as follows:

1) Clinton Court Vacation
Clinton Court (formerly Victoria Avenue) as platted 50 feet in width, from the south right-of-way line of Packard Avenue (formerly Cour Street) as recorded in deed record 63, page 120, to the south right-of-way line of Darrow Avenue (formerly Johns Avenue) as recorded in plat book 1, page 83.

2) Alley Vacation
The existing alley 12 feet in width serving Lots 1 through 12 and Lots 23 through 34 of South Calhoun Street Addition from the south right-of-way line of Packard Avenue (formerly Cour Street) to the north right-of-way line of Darrow Avenue (formerly Johns Avenue) as recorded in deed record 63, page 120.

3) Darrow Avenue Vacation
Darrow Avenue (formerly Johns Avenue) as platted 45 feet in width, from the east right-of-way line of Clinton Court (formerly Victoria Avenue) to the west right-of-way line of Clinton Street (formerly Piqua Avenue) 60 feet wide, as recorded in deed record 63, page 120 and plat book 1, page 83.

4) Darrow Avenue Vacation
Darrow Avenue as it presently exists from the west right-of-way line of Clinton Court to the east right-of-way line of Calhoun Street according to the relocation data recorded in book 10, page 96 and by Decreed Resolution Number 464, 1923.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 36-7-3-12; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of dedicated rigts-of-way have been routed through the following departments: Street Engineering, Traffic Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said dedicated rights-of-way hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said dedicated rights-of-way hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said portion of dedicated rights-of-way or part thereof for the vacation and operation of its utility facilities shall not be deprived of said

use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, _____, Director of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Public Works at their meeting held _____ and as same appears of record in the official records of the Board of Public Works.

DATED THIS 8th DAY OF June 1994

FORT WAYNE BOARD OF PUBLIC WORKS

_____
Charles E. Layton
Director of Public Works

_____
Katherine A. Carrier
Member, Board of Public Works

_____
C. James Owen
Member, Board of Public Works

RESOLUTION

WHEREAS, FORT WAYNE COMMUNITY SCHOOLS has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following dedicated rights-of-way situated in Fort Wayne, Allen County, to-wit:

Right of Way Vacation for Portions of Clinton Court, Darrow Avenue and the existing alley.

Part of Dreibelbliss First Addition to the City of Fort Wayne as recorded in plat book 1 page 83, Lennons Addition as recorded in plat book 9 page 3 and Lennons Addition as Surveyed plat book 10 page 76, and South Calhoun Street Addition as recorded in deed record 63 page 120, more particularly described as follows:

1) Clinton Court Vacation
Clinton Court (formerly Victoria Avenue) as platted 50 feet in width, from the south right-of-way line of Packard Avenue (formerly Cour Street) as recorded in deed record 63, page 120, to the south right-of-way line of Darrow Avenue (formerly Johns Avenue) as recorded in plat book 1, page 83.

2) Alley Vacation
The existing alley 12 feet in width serving Lots 1 through 12 and Lots 23 through 34 of South Calhoun Street Addition from the south right-of-way line of Packard Avenue (formerly Cour Street) to the north right-of-way line of Darrow Avenue (formerly Johns Avenue) as recorded in deed record 63, page 120.

3) Darrow Avenue Vacation
Darrow Avenue (formerly Johns Avenue) as platted 45 feet in width, from the east right-of-way line of Clinton Court (formerly Victoria Avenue) to the west right-of-way line of Clinton Street (formerly Piqua Avenue) 60 feet wide, as recorded in deed record 63, page 120 and plat book 1, page 83.

4) Darrow Avenue Vacation
Darrow Avenue as it presently exists from the west right-of-way line of Clinton Court to the east right-of-way line of Calhoun Street according to the relocation data recorded in book 10, page 96 and by Decreed Resolution Number 464, 1923.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-3-12.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 18, 1994 at 7:00 P.M. and at such hearing there were no objections of any kind or character which should prevent the vacation of said dedicated rights-of-way.

WHEREAS, said vacation of dedicated rights-of-way have been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said dedicated rights-of-way hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan

Commission that the vacation of said dedicated rights-of-way hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said dedicated rights-of-way or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said dedicated rights-of-way in Allen County, Indiana.

STATE OF INDIANA)
) SS:
COUNTY OF ALLEN)

I, Carol Kettler Sharp, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held, April 25, 1994 and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF June 1994

FORT WAYNE CITY PLAN COMMISSION

Carol Kettler Sharp

Carol Kettler Sharp
Secretary